

**CITY OF COPPERAS COVE
CITY COUNCIL REGULAR MEETING MINUTES
JULY 18, 2006 – 7:00 P.M.**

A. CALL TO ORDER

Mayor, Roger P. O'Dwyer called the regular meeting of the City Council of the City of Copperas Cove Texas to order at 7:00 p.m.

B. INVOCATION AND PLEDGE OF ALLEGIANCE

Council Member Gatewood gave the Invocation, and led the Pledge of Allegiance.

C. ROLL CALL

ALSO PRESENT

Bob Reeves (excused absence)
Larry D. Sheppard
John Gallen
James Stockman
R. Ray Gatewood
Fred Harris
Frank D. Somera, Jr.

Steven J. Alexander, City Manager
James R. Thompson, City Attorney
Jane Lees, City Secretary

D. ANNOUNCEMENTS

Council Member Sheppard

- Requested an excused absence for the August 1, 2006 meeting.

Council Member Stockman

- The Military Order of the Purple Heart will dedicate a Purple Heart Memorial Monument at the new Veterans State Cemetery in Killeen on Saturday, August 5, 2006 at 10:00 A.M. The guest speaker for this dedication will be Major General (Retired) Stewart Meyer, who was awarded the Purple Heart for wounds received in World War II. The public is invited to attend this event.

Council Member Harris

- Regarding the Fallen Heroes Veterans Fund. We have 17 teams and he gives the credit to Marty Smith, Kelly Dix, Darrell Eshelman and Ken Wilson for getting all the teams out to play. This is a worthy cause.

Mayor O'Dwyer

- He had a request from a citizen to think about changing the August 1, 2006 Council Meeting because it will interfere with National Night Out. He discussed this with the City Manager and the City will try to have a short agenda that evening. He said that this would be an agenda item prior to the budget workshop scheduled for July 25, 2006, so that the Council may consider whether or not they want to move the meeting date.

E. PUBLIC RECOGNITION

1. Presentation and Recognition of Service to the City of Copperas Cove for Bradi D. Diaz, Mayor. ***Roger P. O'Dwyer, Mayor***

Roger P. O'Dwyer, Mayor, presented former Mayor Bradi D. Diaz with a paperweight key to the City and a personalized gavel. Mayor O'Dwyer said that she did an outstanding job of guiding this City into some forward movement.

Ms. Diaz thanked Mayor O'Dwyer for his kind words. Ms. Diaz said that she was ever so thankful to have had the opportunity to serve as the Mayor of her hometown. It was an honor, it was fun, and she thoroughly enjoyed it, but she said she was enjoying retirement as well. She said that she spoke with each one of the Council Members that she served with that are here today, and hopefully they understand my gratitude to each one of them and the relationship that we had, working together for the City of Copperas Cove, my appreciation to you for dedicating your time to the citizens of Copperas Cove, as well as Mr. Alexander and of course, Ms. Russell, who is no longer here. They were an intricate part of the success that Copperas Cove has seen thus far. I could not have done this without my family, from my parents, to my husband and my children, who supported me and were by my side. Once again I appreciate every one of you and it was a joy working with you. I hope to continue to be active in the community. Thank you.

2. Proclamation for "Jim and Marilyn Strickland Day". ***Roger P. O'Dwyer, Mayor***

Mayor O'Dwyer read the proclamation and presented it to Jim and Marilyn Strickland. He said that they will retire as of July 31, 2006 from their business, Custom Crafts Awards & Gifts, after 26 years of service to this community.

Mrs. Strickland thanked Mayor O'Dwyer for the proclamation and stated that it has been a wonderful 20 plus years. She has no regrets; it's just time for us to retire. We've made many friends and we've enjoyed our work and it has been a wonderful ride. Thank you so much.

Mr. Strickland thanked Mayor O'Dwyer, the City Council and all those who made this possible.

3. Proclamation for "National Night Out". ***Roger P. O'Dwyer, Mayor***

Mayor O'Dwyer read the proclamation and presented it to Lt. Danny Austin of the Copperas Cove Police Department. Lt. Austin thanked the Mayor and Council for the proclamation. Lt. Austin said that National Night Out is about our neighborhoods and people getting to know their neighbors and calling the Police Department when they see suspicious activity in their areas. He thanked the Downtown Association, Citizens Fire and Public Safety volunteers, YMCA, John Charles at the Boys & Girls Club, Copperas Cove Crime Stoppers, Chamber of Commerce and Bikers Against Child Abuse. He hopes to see everyone out there as well as the Council, especially if the meeting date is changed.

- E. CITIZENS' FORUM** citizens are allowed to speak on any matter other than personnel matters, matters under litigation, or matters on the regular agenda, for a length of time not to exceed five minutes per person. Thirty minutes total has been allotted for this section.

Diane Steele—905 North 4th Street—Stated that it is a good idea to form an Impact Advisory Committee. On another subject, she stated that sales tax revenue is up and she is happy about it. She requested, and received a more detailed report from the State. The report shows that our sales tax revenue is broken down into general merchandise, food store, and miscellaneous categories. What surprised her was that from the 4th quarter of 2003 until the 4th quarter of 2004, sales tax revenue in Copperas Cove rose only 3.99 percent from food stores. The rise in sales tax from food stores from the 4th quarter of 2004 to the 4th quarter of 2005 rose 15.74 percent. She said that she is not sure this is all from alcohol sales, but she is sure that it's not peanut butter that is being purchased. She is very happy to see this trend.

G. CONSENT ITEMS

1. Consideration and action on authorizing the City Manager to enter into an agreement with CSI, Inc. to provide water management services for the City swimming pools for a period of two years with an option to renew one additional year. **Ken Wilson, Director of Community Services**

Council Member Gatewood made a motion to approve consent item G-1. Council Member Somera seconded the motion, and with a unanimous vote, motion carried.

H. PUBLIC HEARINGS/ACTION

- 1a. Public Hearing on Ordinance No. 2006-21 changing the permanent zoning designation for the Rachel Addition, from B-4 Business to R-3 Multi Family Residential, containing a savings clause and an effective date. **John C. Adel, AICP/City Planner**

John C. Adel, AICP/City Planner gave an overview of agenda item H-1a.

Mayor O'Dwyer opened the Public Hearing.

Speaking for: Lou Coston—The property will be sold to one owner if approved. He said there is ample room. There is four times plus the required space on each unit. The property owner will have a member of the family living there and managing the apartments.

Speaking against: None.

Mayor O'Dwyer closed the Public Hearing.

- 1b. Consideration and action on Ordinance No. 2006-21 changing the permanent zoning designation for the Rachel Addition, from B-4 Business to R-3

Multi Family Residential, containing a savings clause and an effective date.
John C. Adel AICP/City Planner

Council Member Harris made a motion to approve agenda item H-1b. Council Member Stockman seconded the motion, and with a unanimous vote, motion carried.

The Ordinance caption reads as follows:

ORDINANCE NO. 2006-21

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS CHANGING THE PERMANENT ZONING DESIGNATION FOR THE RACHEL ADDITION, FROM B-4 BUSINESS TO R-3 MULTI FAMILY RESIDENTIAL, CONTAINING A SAVINGS CLAUSE AND AN EFFECTIVE DATE.

2a. Public Hearing on Ordinance No. 2006-22 changing the permanent zoning designation for a 0.841 acre tract of land, locally known as 1001 Leonhard Street, from R-1 Single Family Residential to B-4 Business, containing a savings clause and an effective date. **John C. Adel, AICP/City Planner**

John C. Adel, AICP/City Planner gave an overview of agenda item H-2a.

Mayor O'Dwyer opened the Public Hearing.

Speaking against: None.

Speaking for: Joel Duran of 775 County Road 4807—He said that the property is zoned partially R-1 and the reason for the request is because he would like to put an automotive business at this location.

Mayor O'Dwyer closed the Public Hearing.

2b. Consideration and action on Ordinance No. 2006-22 changing the permanent zoning designation for a 0.841 acre tract of land, locally known as 1001 Leonhard Street, from R-1 Single Family Residential to B-4 Business, containing a savings clause and an effective date. **John C. Adel, AICP/City Planner**

John C. Adel, AICP/City Planner gave an overview of agenda item H-2b.

Council Member Stockman made a motion to approve agenda item H-2b. Council Member Sheppard seconded the motion. Council Member Gatewood said that the records show that you can't put the automotive business in B-3. He read in the report that there were some staff concerns and it was suggested that it be developed in a sensitive manner. He asked for clarification on what that means. Mr. Adel mentioned that this would be the 50 ft. setbacks which are double what is typically required as well as the six foot opaque screening that is required adjacent to a residential area and landscaping. Motion carried with a unanimous vote.

The Resolution caption reads as follows:

ORDINANCE NO. 2006-22

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS CHANGING THE PERMANENT ZONING DESIGNATION FOR A 0.841 ACRE TRACT OF LAND, LOCALLY KNOWN AS 1001 LEONHARD STREET, FROM R-1 SINGLE FAMILY RESIDENTIAL TO B-4 BUSINESS, CONTAINING A SAVINGS CLAUSE AND AN EFFECTIVE DATE.

I. ACTION ITEMS

1. Consideration and action on Resolution No. 2006-31, supporting the Copperas Cove Downtown Association. **Council Member Fred Harris**

Council Member Gatewood made a motion to table this item to a future agenda until the Council can have more discussion on the implications in passing this resolution and a committee could be formed. Council Member Stockman seconded the motion. No vote was taken.

The Resolution caption reads as follows:

RESOLUTION NO. 2006-31

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS SUPPORTING THE COPPERAS COVE DOWNTOWN ASSOCIATION.

2. Consideration and action on amending the Revolving Loan Fund Contract between the City of Copperas Cove and the Boys & Girls Club of Coryell County and authorizing the City Manager to execute said contract. **Jeri Denniston, Grants Administrator/Budget Analyst**

Jeri Denniston, Grants Administrator/Budget Analyst gave an overview of agenda item I-2.

Council Member Harris made a motion to approve agenda item I-2. Council Member Gallen seconded the motion, and with a unanimous vote, motion carried.

3. Consideration and action on Resolution No. 2006-32 authorizing the execution and delivery of Addendum No. 3 to the amended and restated Water Supply Contract with Bell County Water Control and Improvement District No. 1. **Steven J. Alexander, City Manager**

Steven J. Alexander, City Manager gave an overview of agenda item I-3.

Council Member Stockman made a motion to approve agenda item I-3. Council Member Somera seconded the motion, and with a unanimous vote, motion carried.

The Resolution caption reads as follows:

RESOLUTION NO. 2006-32

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS AUTHORIZING THE EXECUTION AND DELIVERY OF ADDENDUM NO. 3 TO THE AMENDED AND RESTATED WATER SUPPLY CONTRACT WITH BELL COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT.

4. Consideration and action on authorizing the Mayor to issue a drilling permit on the Application of Scully Energy Corporation to drill for oil and gas within the corporate limits of the City of Copperas Cove. **James R. Thompson, City Attorney**

James R. Thompson, City Attorney gave an overview of agenda item I-4.

Council Member Gatewood made a motion to approve agenda item I-4. Council Member Sheppard seconded the motion, and with a unanimous vote, motion carried.

5. Consideration and action on authorizing the Mayor to issue a drilling permit on the Application of Scully Energy Corporation to drill for oil and gas within the corporate limits of the City of Copperas Cove. **James R. Thompson, City Attorney**

James R. Thompson, City Attorney gave an overview of agenda item I-5.

Council Member Gallen made a motion to approve agenda item I-5. Council Member Somera seconded the motion, and with a unanimous vote, motion carried.

J. STAFF REPORTS

1. Financial Report for the Month ended May 31, 2006. **Andrea Gardner, Assistant City Manager/Director of Finance.**

Andrea Gardner presented the report as a PowerPoint presentation.

2. Report on tourism funds from Hotel-Motel Tax: 2nd Quarter 2006. **Marty Smith, President, Copperas Cove Chamber of Commerce**

Marty Smith presented the tourism expenditures of the Chamber, the accomplishments and new chamber members for the 2nd quarter of 2006.

K. REPORTS OF ADVISORY COMMITTEES AND BOARDS

L. ITEMS FOR FUTURE AGENDAS

Council Member Harris requested to be assigned to the Impact Advisory Committee when it is formed. Council Member Gatewood said he would like to see the Downtown Association resolution discussed in a workshop prior to being on the agenda. Mayor O'Dwyer said that he will ask the Coryell County Chief Appraiser, Jerry Hogg, to make a presentation to the Council on the current tax situation at the August 1, 2006 Council Meeting.

M. EXECUTIVE SESSION

1. Pursuant to §551.072 of the Open Meetings Act. *Tex. Gov't Code*, Council will meet in Executive Session to deliberate the purchase, exchange, lease, or value of real property.
2. Pursuant to §551.087 (2) of the Open Meetings Act. *Tex. Gov't Code*, Council will meet in Executive Session to deliberate the offer or other incentive to a business prospect regarding economic development negotiations.

Mayor O'Dwyer adjourned the regular session of the meeting to go into Executive Session at 8:13 p.m.

N. RECONVENE INTO OPEN SESSION FOR POSSIBLE ACTION RESULTING FROM ANY ITEMS POSTED AND LEGALLY DISCUSSED IN EXECUTIVE SESSION

Mayor O'Dwyer reconvened the meeting at 9:14 p.m. Mayor O'Dwyer announced that Executive Session items M-1 and M-2, were for information purposes only and no action would be taken.

O. ADJOURNMENT

There being no further business, Mayor O'Dwyer stated the meeting adjourned at 9:15 p.m.

Roger P. O'Dwyer, Mayor

ATTEST:

Jane Lees, CMC, City Secretary